IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.1160 OF 2004
IN
APPEAL (LODGING) NO.1023 OF 2003
IN
SUMMARY SUIT NO.2229 OF 1987

Pronto Industries & ors. .. Appellants

v/s.

Kundan H. Mehta .. Respondent

Mr.R.T.Parekh for appellants.

Ms.H.H.Chande for respondent.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 14th December, 2004

P.C.

Having heard the learned counsel for the parties and upon consideration of the affidavit in support of the notice of motion, we are satisfied that the appellants were prevented by sufficient cause in filing the appeal in time. The inconvenience caused to the respondent can be compensated by award of reasonable cost.

2. We, accordingly, grant the notice of motion in terms of prayer (a) subject to payment of cost of Rs.2,500/- by the appellants to the respondent within four weeks from today. Prayer (a) reads thus-

(a) that 145 days delay in filing the above Appeal be condoned.

3. Office to process the appeal and post it for admission thereafter.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)